

CAUSE NO. 2009-77993

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|---------------------------|---|-------------------------|
| ROSEMARY GRIFFIN, | § | |
| <i>Plaintiff,</i> | § | IN THE DISTRICT COURT |
| | § | |
| v. | § | |
| | § | 189th JUDICIAL DISTRICT |
| TEXAS DEPARTMENT OF STATE | § | |
| HEALTH SERVICES, | § | |
| <i>Defendant</i> | § | HARRIS COUNTY, TEXAS |
| | § | |

DEFENDANT'S NOTICE OF FILING REMOVAL

NOW COMES Defendant Texas Department of State Health Services, by and its attorney of record, the Office of the Texas Attorney General, and files this Notice of Filing Removal, and would respectfully show the Court as follows:

Pursuant to 28 U.S.C. §1446(d), Defendant hereby gives this Court notice that on May 10, 2010, Defendant filed its Notice of Removal in the United States District Court for the Southern District of Texas, Houston Division, thereby removing this case to the United States District Court. A copy of that Notice is attached hereto and incorporated herein for all purposes. This Court is respectfully requested to proceed no further in this action, unless and until such time as the action may be remanded by order of the United States District Court.

Dated: May 10, 2010

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

C. ANDREW WEBER
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE
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/s/ Darren G. Gibson
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***ATTORNEYS FOR DEFENDANT
TEXAS DEPARTMENT OF STATE
HEALTH SERVICES***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Filing Removal was sent *via U.S. certified mail, return receipt requested*, on May 10, 2010, to:

Woodrow Epperson
10565 Katy Freeway
Suite 250
Houston, Texas 77024
Attorney for Plaintiff

/s/ Darren G. Gibson
DARREN G. GIBSON
Assistant Attorney General